

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Brandon Dale Lowery,
Plaintiff(s),
vs.
Wynn, et al.,
Defendant(s).

Case No. 2:23-cv-01438-APG-VCF

Order to Administratively Close Case

I ordered the plaintiff to either file an in forma pauperis application on the Court's approved long form or pay the filing fee within thirty days. ECF No. 4. Thirty days have passed, and the plaintiff has not filed anything or paid the filing fee. In my earlier order, I warned plaintiff that, "[f]ailure to comply with this rule may result in dismissal of the action." *Id.* Since plaintiff has not commenced this action, I order that this case be administratively closed.

ACCORDINGLY,

I ORDER that the Clerk of Court is directed to administratively CLOSE this case.

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*

1 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written
2 notification with the court of any change of address. The notification must include proof of service upon
3 each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel.

4 **Failure to comply with this rule may result in dismissal of the action.**

5 IT IS SO ORDERED.

6 DATED this 1st day of November 2023.

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8 CAM FERENBACH
9 UNITED STATES MAGISTRATE JUDGE
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